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December 4, 2020

Hon. Anne E. Thompson  
Clarkson S. Fisher Building & Us Courthouse  
402 East State Street, Courtroom 4W  
Trenton, NJ 08608

Re: *Strougo v. Mallinckrodt Public Limited Company et al*, 3:20-cv-10100-AET-TJB

Dear Judge Thompson:

We represent all Defendants in the above-referenced action (“Action”).

On October 12, 2020, we filed a Notice by Mallinckrodt plc (the “Company”) alerting this Court that the Company and its affiliates commenced bankruptcy cases in the United States Bankruptcy Court for the District of Delaware (the “Bankruptcy Court”) by filing voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532, et seq. (the “Bankruptcy Code”). The Notice further provided that chapter 11 cases are now pending before The Honorable John T. Dorsey, United States Bankruptcy Judge, and are being jointly administered under the caption *In re Mallinckrodt plc*, Case No. 20-12522. We further notified the Court that pursuant to Section 362 of the Bankruptcy Code, the Action has been automatically stayed as against Debtor Defendant Mallinckrodt plc.

Although this Action was automatically stayed as to Defendant Mallinckrodt plc, this Action remained pending as to the remaining defendants (the “Individual Defendants”) at the time their responsive pleading became due. The Individual Defendants thus timely filed a motion to dismiss. The Individual Defendants’ reply in support of their motion to dismiss the amended complaint is scheduled to be filed on December 16, 2020. However, during a hearing on November 23, 2020, the Bankruptcy Court granted a motion for supplemental injunctive relief staying this Action as to the Individual Defendants (“Stay Order”) (*see* Bk. Dkt. No. 164, 16, and 15). The Court’s ruling is reflected in a Minute Order entered that day.



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As a result of the foregoing, the Individual Defendants do not intend to file a reply in support of their motion to dismiss on December 16, 2020—the filing of which would violate the Bankruptcy Court’s Stay Order. Individual Defendants will file a formal Notice once the bankruptcy court’s written order is entered.

Respectfully submitted,

*/s/ David A. Kotler*

DAVID A. KOTLER

cc: James Cecchi, Carella, Bryne, Cecchi, Olstein, Brody & Angello, P.C.  
David A. Rosenfeld, Robbins Geller Rudman & Dowd LLP